

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 144

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO HOSPITALIZATION OF MENTALLY ILL; AMENDING SECTION  
 2 66-327, IDAHO CODE, TO REMOVE CERTAIN RESPONSIBILITIES OF ADULT  
 3 CHILDREN, TO REMOVE FACTORS TO BE CONSIDERED IN DETERMINING  
 4 RESPONSIBILITY FOR CERTAIN COSTS, TO REMOVE A CODE REFERENCE  
 5 RELATING TO THE FIXING OF RESPONSIBILITY FOR CERTAIN COSTS, TO  
 6 REMOVE LIMITATIONS ON COUNTY RESPONSIBILITY TO PAY CERTAIN  
 7 COSTS, TO PROVIDE FOR A LIMITATION ON RATE OF REIMBURSEMENT,  
 8 TO DEFINE TERMS, TO ALPHABETIZE DEFINED TERMS AND TO MAKE  
 9 TECHNICAL CORRECTIONS.  
 10

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Section 66-327, Idaho Code, be, and the same is hereby amended to  
 13 read as follows:

14 66-327. RESPONSIBILITY FOR COSTS OF COMMITMENT AND CARE OF  
 15 PATIENTS. (a~~1~~) All costs associated with the commitment proceedings, including usual and  
 16 customary fees of designated examiners, transportation costs and all medical, psychiatric and  
 17 hospital costs not included in subsection (b~~2~~) of this section, shall be the responsibility of  
 18 the person subject to judicial proceedings authorized by this chapter or such person's spouse,  
 19 ~~adult children~~, or, if indigent, the county of such person's residence ~~after all personal, family~~  
 20 ~~and third party resources, including medical assistance provided under the state plan for~~  
 21 ~~medicaid as authorized by title XIX of the social security act, as amended, are considered.~~ In  
 22 proceedings authorized by this chapter, the court shall consider the indigency of persons subject  
 23 to proceedings authorized by this chapter, in light of such person's income and resources, and  
 24 if such person is able to pay all or part of such costs, the court shall order such person to pay  
 25 all or any part of such costs. If the court determines such person is unable to pay all or any  
 26 part of such costs, the court shall fix responsibility, ~~in accordance with the provisions of chapter~~  
 27 ~~35, title 31, Idaho Code,~~ for payment of such costs on the county of such person's residence  
 28 ~~to the extent not paid by such person or not covered by third party resources, including medical~~  
 29 ~~assistance as aforesaid.~~ Payment by a county shall in no event be more than the unadjusted  
 30 medicaid rate of reimbursement allowed pursuant to title XIX of the social security act, as  
 31 amended.

32 (b~~2~~) The department of health and welfare shall assume responsibility for usual and  
 33 customary treatment costs after the involuntary patient is dispositioned to the custody of the  
 34 state of Idaho, beginning on the day after the director receives notice that a person has been  
 35 committed into the custody of the department, until the involuntary patient is discharged and  
 36 after all personal, family and third party resources are considered in accordance with section  
 37 66-354, Idaho Code. The counties shall be responsible for mental health costs if the individual  
 38 is not transported within twenty-four (24) hours of receiving written notice of admission

1 availability to a state facility. ~~For purposes of this section, "usual and customary treatment~~  
 2 ~~costs" shall include routine board, room and support services rendered at a facility of the~~  
 3 ~~department of health and welfare; routine physical, medical, psychological and psychiatric~~  
 4 ~~examination and testing; group and individual therapy, psychiatric treatment, medication and~~  
 5 ~~medical care which can be provided at a facility of the department of health and welfare. The~~  
 6 ~~term "usual and customary treatment costs" shall not include neurological evaluation, CAT~~  
 7 ~~scan, surgery, medical treatment, any other item or service not provided at a facility of the~~  
 8 ~~department of health and welfare, or witness fees and expenses for court appearances. For the~~  
 9 purposes of this section, the notice to the department may be faxed or mailed.

10 (3) In this section:

11 (a) "Residence" means the residence of a resident, as defined in section 31-3502, Idaho  
 12 Code.

13 (b) "Resources" means resources as defined in section 31-3502, Idaho Code.

14 (c) "Usual and customary treatment costs":

15 (i) Shall include:

16 1. Routine board, room and support services rendered at a facility of the  
 17 department of health and welfare;

18 2. Routine physical, medical, psychological and psychiatric examination  
 19 and testing; and

20 3. Group and individual therapy, psychiatric treatment, medication and  
 21 medical care that can be provided at a facility of the department of health  
 22 and welfare.

23 (ii) Shall not include:

24 1. Neurological evaluation, CAT scan, surgery, medical treatment, or any  
 25 other item or service not provided at a facility of the department of health  
 26 and welfare; or

27 2. Witness fees and expenses for court appearances.